

PLANNING AND ZONING COMMISSION
STAFF REPORT

May 7, 2014



Rezoning case no. RZ 15-02: Jeffery M. Burns

CASE DESCRIPTION: a request to change the zoning classification from Residential District - 5000 (RD-5) to Multiple-Family District (MF)

LOCATION: 0.287 acres of land, addressed as 4408 Aspen Street and located at the west corner of Aspen and Foch Streets

LEGAL DESCRIPTION: Lots 6 and 7 in Block 2 of Highland Park Addition – Phase 1

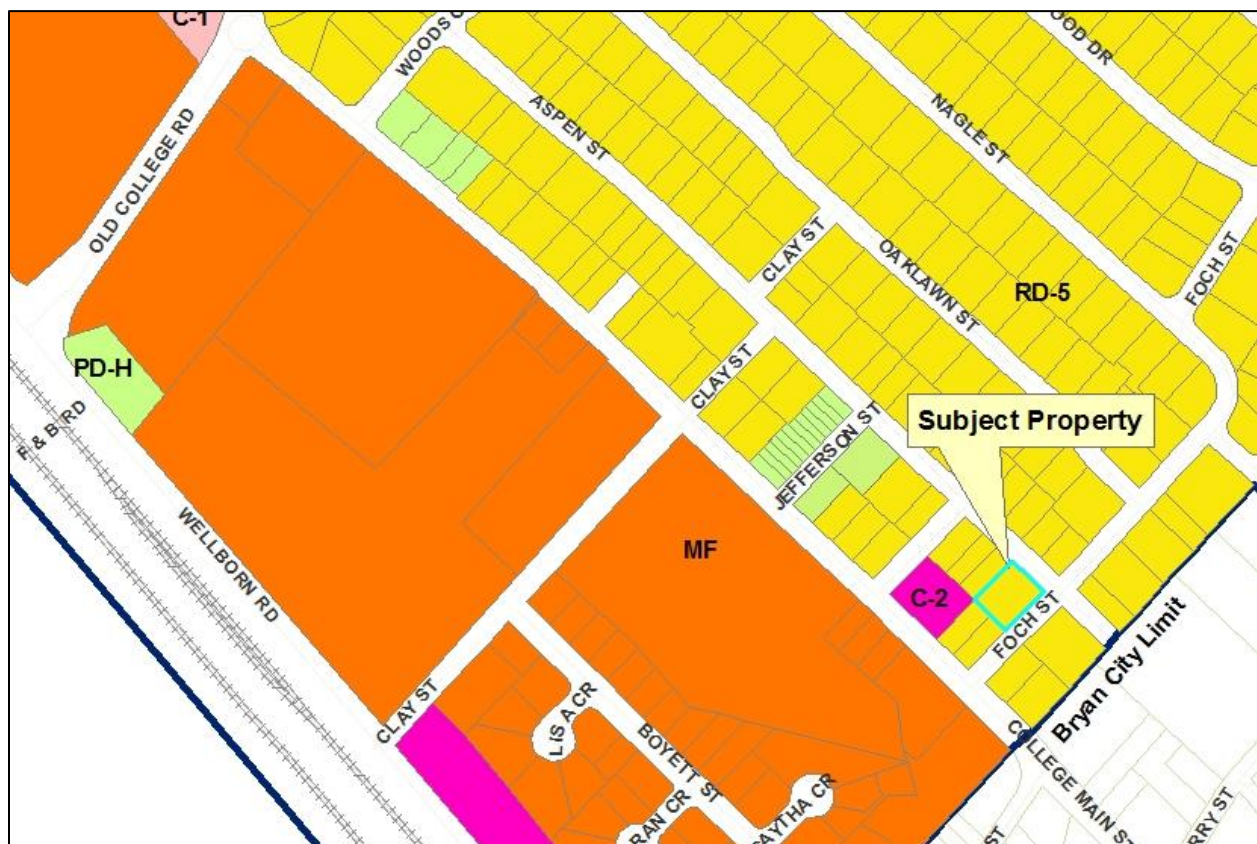
EXISTING LAND USE: two multiple-family residences

APPLICANT(S): Frank S. Davis

AGENT: Jeffrey Burns

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **denying** the proposed rezoning.



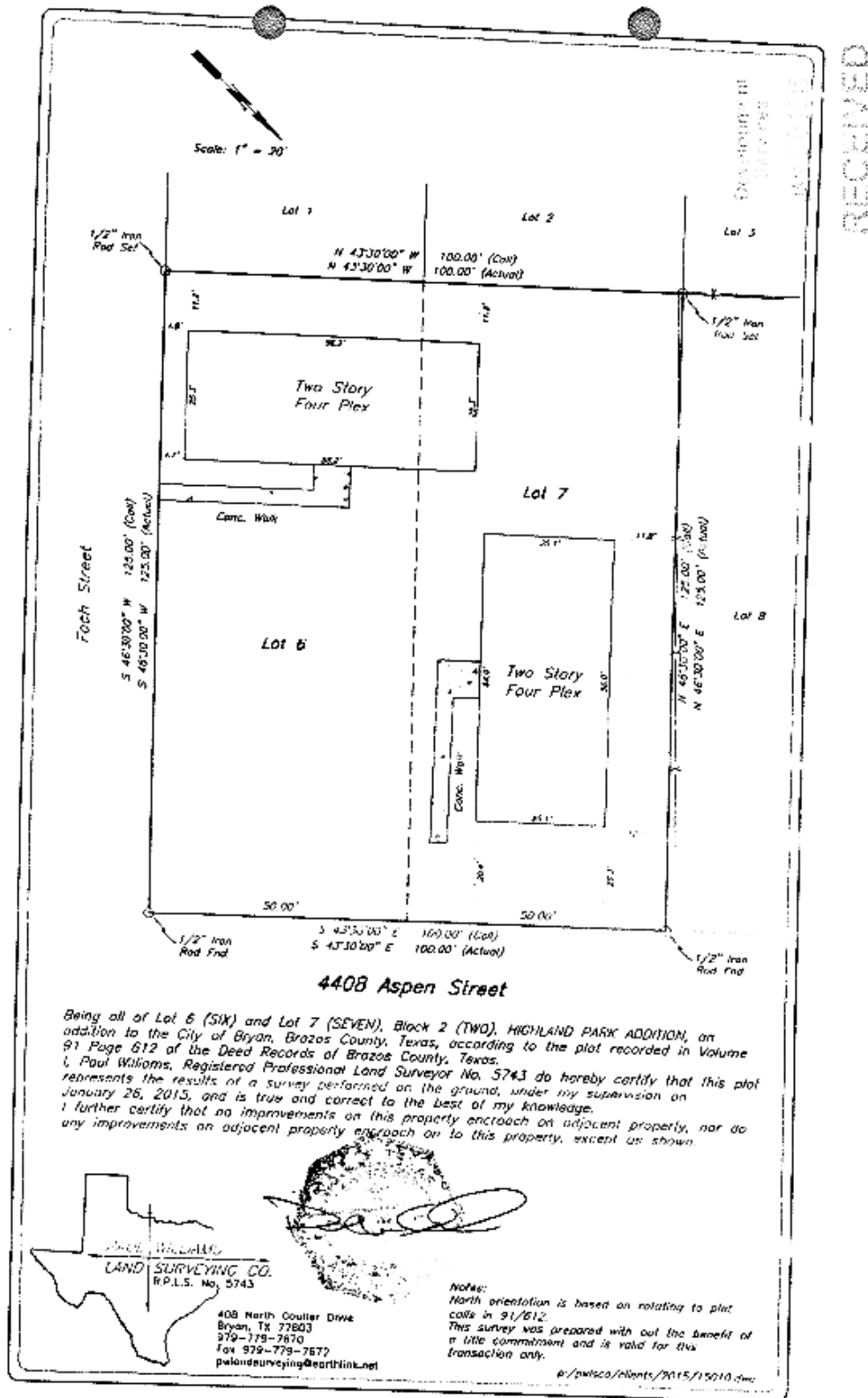
AERIAL VIEW, 2013:



VIEW FROM ASPEN STREET:



PROPERTY SURVEY (EXISTING CONDITIONS):



EXCERPT FROM APPLICATION:

Rezoning Supplement A



Minimum Requirements:

- ☒ Metes and Bounds description of property
- ☐ If Planned Development required, then include 15 folded copies and a .pdf of the development site plan

Please list the reasons for this rezoning request:

- Improvements currently on Property are multi-family. Potential buyers have expressed interest in purchasing tract for multi-family development. Executed contract for purchase is in place, but contingent on re-zoning.

List the changed or changing conditions in the area or City which make this zone change necessary:

- There have been a number of new multi-family buildings constructed adjoining this property.

Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

List any other reasons to support this zone change:

- Existing multi-family dwellings will remain on property if unable to re-zone.

BACKGROUND:

The applicant/property owner, Mr. Frank Davis, is requesting to change the zoning on the subject property from Residential District – 5000 (RD-5) to Multiple-Family District (MF), to accommodate a pending real estate transaction. The property is comprised of two residential lots and is 12,500 square feet (0.287 acres) in size and has 125 feet and 100 feet of frontage along Foch Street and Aspen Street, respectively.

The subject property occupies the west corner of the intersection of Aspen Street and Foch Street. The abutting properties are also zoned for single family residential use. Directly to the west of the subject property lies a tract zoned for retail use. Although primarily zoned for single-family residential use, the area development pattern is decidedly multi-family residential.

RELATION TO BRYAN’S COMPREHENSIVE PLAN:

The City of Bryan Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making its recommendation regarding this proposed zoning change:

Policy statements:

The City of Bryan will encourage and promote compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically.

GOAL #1: ACHIEVE A BALANCE OF LAND USES WITHIN THE CITY

Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

Action Statement 2: Identify areas for future commercial development and preserve them with appropriate zoning

GOAL #2: FACILITATE ORDERLY, EFFICIENT AND ATTRACTIVE DEVELOPMENT, REDEVELOPMENT AND INFILL.

Objective A: Provide for an efficient development process.

Action Statement 1: Reevaluate the current zoning code to identify inconsistencies and impediments to development.

Action Statement 2: Develop specific requirements for contextual infill and redevelopment in existing neighborhoods and commercial areas.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

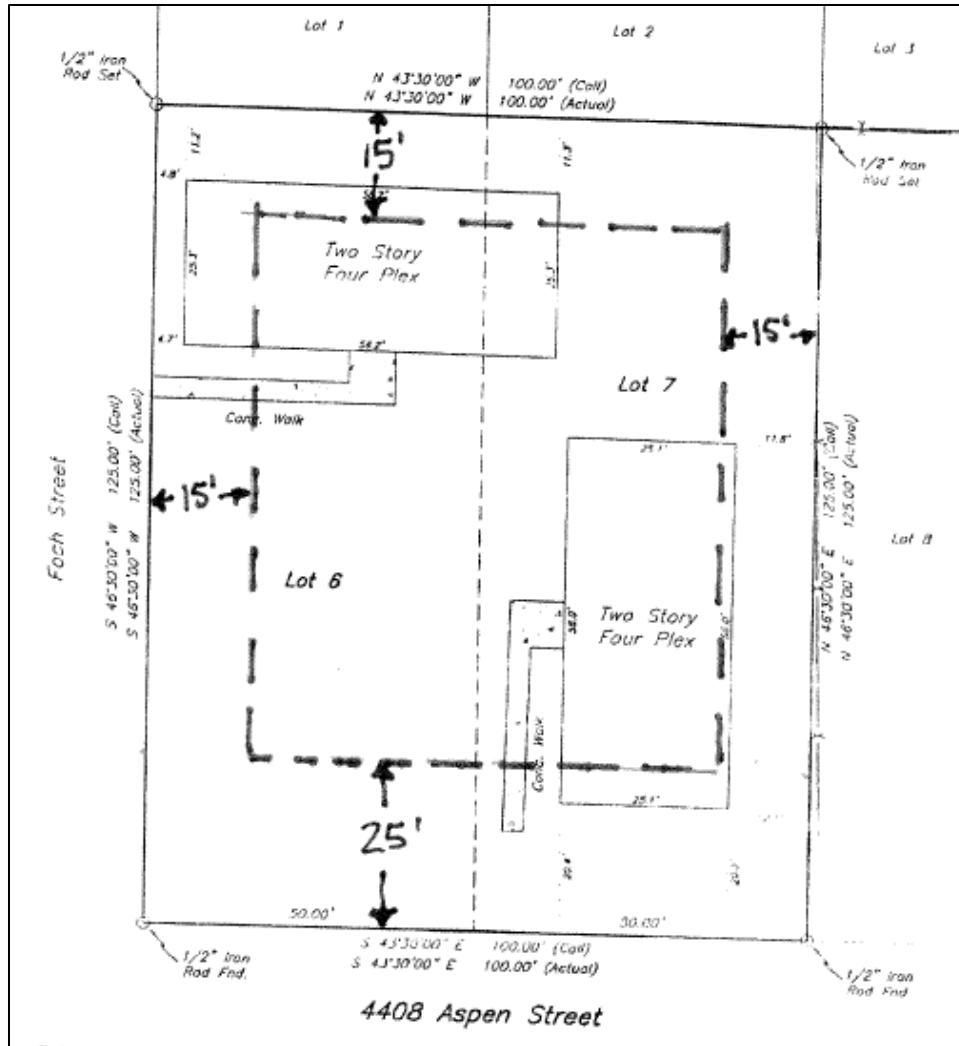
Staff contends that the uses allowed within the Multiple-Family District (MF) would be appropriate in the immediate area concerned. Staff however also contends that when considered as a whole, taking into account the standards that regulate development along with the uses permitted, the outcome of changing to MF zoning in the immediate and general area of the subject property would not be appropriate in this particular case at this time. As illustrated below, if the zoning were changed to MF District, and the two existing, legally nonconforming buildings were destroyed or removed in the future, they could not be rebuilt in the current configuration.

The subject property lies in a transitional area along the southeast edge of the Highland Park Addition, a single-family residential subdivision developed between the 1940s and 1960s. In the immediate vicinity of the subject property, there are a number of multiple-family residential structures, most being over 40 years old. Recently, the general area has proven to be a prime location for redevelopment due to its close proximity to Texas A&M University.

Staff contends that the subject property and the immediate surrounding area is not a suitable location for MF District zoning. Should the request to change zoning be approved, any potential redevelopment on the subject property would need to comply with the development standards that govern the MF District. The dimensions of the subject property are 125ft. x 100 ft. with the longer side adjoining Foch Street. The following development standards would have to be considered during the design of a site layout in a redevelopment situation:

- **Density** - currently there are 8 dwelling units in two buildings located on the two platted lots. If the property were rezoned to MF District, the maximum density allowed by zoning regulations would be 25 units per acre. The 12,500 or 0.287-acre property would be limited to no more than 7 dwelling units. (Zoning Ordinance, Section 130-12(a)).
- **Minimum building setback requirements** – A minimum 25-foot building setback will be required from the subject property's front property line adjoining Aspen Street. The minimum side building setback along Foch Street, a local street, would be 15 feet. Minimum required building setbacks would, in this particular case, severely impact the buildable area on this lot as illustrated in the graphic below. (Land and Site Development Ordinance Section 62-161)
- **Buffer area adjacent to properties zoned RD-5 District** – Both abutting properties are zoned RD-5 District. Zoning regulations require that a minimum 25-foot wide no-development buffer be observed. With additional landscaping, the buffer area may be reduced to 15 feet. Within this buffer area, neither structures nor off-street parking areas would be allowed. Applying the adopted buffer standard to this property would reduce the buildable area on this lot by another 3,150 square feet¹ if it were rezoned to MF District. (Zoning Ordinance Section 130-32(b) and (c))

¹ [125 ft. x 15 ft. = 1,875 sq.ft.] + [(100 ft.-15 ft.) x 15 ft. = 1,275 sq.ft.] = 3,150 sq.ft.



applicable minimum building setbacks and buffer areas
in case of re-development of subject property if it were zoned MF District

- **Off-street Parking** – Currently much of the parking area provided the apartment buildings lies within public right-of-way for Foch and Aspen Street. Any (re-)development on the subject property will be required to provide on-site parking and maneuvering spaces. The minimum off-street parking requirement for a multi-family residential development is one space per bedroom. Assuming each dwelling unit had only one bedroom, a 7 unit apartment development on this property would be required to provide 7 parking spaces. At least one of these spaces must be ADA van-accessible. At minimum, one off-street parking space and associated maneuvering area would require approximately 387 square feet of land area; 7 spaces plus the van-accessible area would occupy approximately at least 3,096 square feet of the subject property. (Land and Site Development Ordinance Section 62-297).
- **Landscaping** – Re-development of the subject property would require at least 1,875 landscaping points². (Land and Site Development Ordinance Section 62-429(a) (1) a.)

² 12,500 sq.ft. x 0.15 % = 1,875 sq.ft.

The land area required for re-development of the property with a 7-unit multi-family residential structure and associated parking and landscaping areas, other than the structure itself, would be at least 8,121 square feet, or 65% of the 12,500 square feet available on the site. The remaining space, approximately 4,379 square feet would be all that would be left to accommodate an apartment building footprint.

In the example above an attempt was made to retain as many rental units as exist today. Naturally, if a project were proposed to reduce the number of bedrooms significantly, there would be a reduction in required parking spaces.

Staff maintains that although many multi-family residential uses exist in the vicinity of the subject property, this is the result of the absence of zoning and unplanned and unregulated development during the 50 years prior to the implementation of zoning in Bryan in 1990. Staff further maintains that such growth, carried out within the matrix of a subdivision designed to accommodate single-family residential uses and without minimal site design requirements, has produced a pattern of development that has not yielded the highest and best use of the area properties. Staff submits that this is in conflict with the best interests of the general public.

Based on the above-referenced excerpt from the rezoning application, the applicants stated intent appears to be to re-develop the property with multi-family residential buildings. In light of the challenges presented by adopted development standards if the zoning were changed to MF District, staff has suggested that the applicants consider creating a site-specific Planned Development District here, as staff agrees that that medium- to high-density residential land uses are desirable at this location and that the existing RD-5 zoning is no longer appropriate on this and other properties in the area. The applicants decided to pursue MF zoning instead.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

The proposed change in zoning classification would not affect any existing or proposed plans for providing public schools, water supply, sanitary sewers, and other utilities in the area. The recently completed reconstruction of College Main, a \$3 million capital improvement project, lies 125 feet southwest and provides ample transportation, water, and sewer infrastructure to support urban redevelopment and increased density along and around the College Main corridor. Any specific issues regarding utility capacity on the subject property would be addressed at the time of redevelopment.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

Staff believes that this zone change request, if approved, could potentially make land classified for similar development unavailable for development. Staff believes that by changing the zoning of the subject property, the assembly of area properties for future re-development could be made more difficult, since effect such a change would be supportive of the status quo.

As interest in higher-density (re-)development continues along the College Main corridor, staff believes that a more specific small area land use plan and possibly new zoning classifications are needed for the area to better guide land use decisions and development in this area of Bryan.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

During the last 24 months, there has been an increased interest in (re-)development of smaller scale multi-family residential projects in the area north of the Northgate District bounded by Old College and Wellborn Roads and South College Avenue. This includes the townhouse development on Jefferson Street, The Watson Lane Townhomes at the corner of South College Avenue and Watson Lane, as well as three other medium-density residential projects currently in the design phase.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

If the proposed change to MF zoning were approved, staff believes that redevelopment of this important area may not occur in a manner following sound planning principles or supportive of the public interest. Staff contends that any action that would encourage maintenance of the status quo or direct reinvestment in area properties along lines supported by existing development standards will have a negative effect on the area.

Staff reasserts that medium-to-high-density residential uses are needed in the area of the subject property and that the existing RD-5 zoning classification is no longer appropriate given the current development pattern. Existing standard zoning classifications, such as the MF District, do not allow development at this location in a manner that will produce the desired result, given the limitations of the ordinance along with the manner in which the property is divided.

As stated previously, with continued increasing interest in higher-density residential (re-)development along the College Main corridor, staff believes that a more particular small area land use plan and possibly new zoning classifications are needed for the area around College Main to better guide land use decisions and development in this area of Bryan.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff contends that it is in the public interest for the property to redevelop. One specific reason for this is the manner in which parking is currently arranged along both Foch and Aspen Streets. Staff maintains that the existing sub-standard head-in parking is inherently hazardous to both motorists and pedestrians in this congested environment. Staff has earlier stated that changing the zoning to MF could have the effect of simply maintaining the status quo, rather than providing for redevelopment of the subject property that could reduce or eliminate these hazards.

RECOMMENDATION:

Based on all of the aforementioned considerations, staff recommends **denying** this proposed rezoning.